

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

and

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT
OF ENVIRONMENTAL
PROTECTION

Plaintiffs,

and

LOWER SUSQUEHANNA
RIVERKEEPER ASSOCIATION

Plaintiff-Intervenor-
Applicant,

v.

CAPITAL REGION WATER,

and

THE CITY OF HARRISBURG, PA

Defendants.

Civil Action No. 1:15-cv-00291-CCC

(Judge Christopher C. Conner)

**LOWER SUSQUEHANNA RIVERKEEPER ASSOCIATION’S
MOTION TO INTERVENE**

Lower Susquehanna Riverkeeper Association (“LSRA”), through
undersigned counsel, respectfully moves to intervene as plaintiff in the above-

captioned matter and to file the attached Complaint in Intervention. In order to defend their interests in protecting water quality in the Susquehanna River and Paxton Creek, LSRA is entitled to intervene as of right pursuant to Federal Rule of Civil Procedure 24(a)(1) and 33 U.S.C. § 1365(b)(1)(B). Alternatively, the Court should grant LRSA intervention as of right under Federal Rule of Civil Procedure 24(a)(2).

As indicated in the Certificate of Concurrence, LSRA sought concurrence from Plaintiff United States of America (“United States”), Plaintiff Commonwealth of Pennsylvania Department of Environmental Protection, and Defendant Capital Region Water (collectively, “existing parties”). Counsel for existing parties received LSRA’s request for concurrence by April 9, 2021, and requested to review LSRA’s motion on April 15, 2021. LSRA accommodated this request by sharing its draft memorandum in support of the motion to intervene the next day on April 16, 2021. The existing parties did not offer concurrence, and instead, suggested a meeting with LSRA to discuss proposed modifications to the partial consent decree that, to LSRA’s knowledge, have not yet resulted in draft consent decree language. In response, LSRA offered to agree to stay its motion, once filed, so that LSRA could assert its right to seek intervention while both conserving judicial resources and allowing the existing parties to meet with LSRA

without the need for concurrent briefing. This offer was not accepted by the existing parties.

Nonetheless, LSRA then agreed to further delay filing this motion if the existing parties could schedule and hold the suggested meeting within a reasonable timeframe. From April 16, 2021 onward, LSRA worked with the existing parties to schedule this meeting and repeatedly requested to know when the meeting would occur. On April 21, in a last effort to negotiate LSRA's meaningful participation in the negotiation process without filing this motion, and in recognition that the meeting the parties offered never materialized, LSRA told Plaintiff United States, through counsel, that to justify further delay in filing, LSRA would require an agreement that would allow it to participate in real-time negotiations and document sharing. LSRA's final proposal to avoid filing this motion was rejected by Plaintiff United States on April 28, 2021, and the meeting proposed by the existing parties was not scheduled. Therefore, the undersigned counsel files this motion to intervene to ask the Court to grant LSRA the right to fully participate as a party to resolve the violations that are the subject of LSRA's Complaint in Intervention.

The reasons for the Motion are more fully set forth in the accompanying Memorandum in Support.

Dated: May 6, 2021

Respectfully submitted,

/s/ Lisa Widawsky Hallowell

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Counsel for Plaintiff-Intervenor LSRA

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2021 the foregoing motion and accompanying brief in support and attachments were filed using the CM/ECF system, which will provide service to the counsel of record registered on the CM/ECF system in this case. Courtesy copies have also been sent, via email, to the following:

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/s/ Lisa Widawsky Hallowell
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